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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	Case No. 07-70574 WDB
)	
Plaintiff,	)	SECOND STIPULATION TO WAIVE
	)	TIME UNDER SPEEDY TRIAL CLOCK
v.	)	AND FOR PRELIMINARY HEARING
)	
MICHAEL MARTIN, et al.,	)	Date: October 26, 2007
	)	Time: 10:00 a.m.
Defendants.)	
	)	Before the Honorable Wayne D. Brazil

This matter is set to come before the Court for Preliminary Hearing or Arraignment on October 26, 2007 at 10:00 a.m. The United States has provided approximately 1400 pages of discovery to defendants' counsel and will be providing additional discovery shortly, including video tapes, photographs, statements, and additional documents. The parties had originally agreed to waive nine days, such that the preliminary hearing could be held on October 26, 2007, which would allow counsel to review the discovery before further charging decisions were made. In light of the amount of the discovery provided, the discovery that is forthcoming, and allowing counsel for the defendants to review the material to determine the possibility of a pre-Indictment resolution, all of the defendants have agreed to waive the necessary additional time under Fed. R.

1 Crim. P. 5 and the Speedy Trial Act, 18 U.S.C. § 3161, such that the preliminary hearing date be
2 extended to December 14, 2007 at 10 a.m. None of the defendants are in custody and this is the
3 second stipulation by the parties.

4 As indicated by the defendants' signatures, they have consulted with their attorneys and
5 understand that they have the right to a preliminary hearing or that further charging documents be
6 presented and filed with the Court on the day of or before his preliminary hearing. Pursuant to
7 Fed. R. Crim. P. 5.1(d), the defendants knowingly and voluntarily waive their rights to a
8 preliminary hearing on October 26, 2007 and agree to extend the time for a preliminary hearing
9 until December 14, 2007 at 10:00 a.m. The parties also agree that there is good cause present to
10 grant the extension in light of the discovery provided and additional discovery to be provided,
11 and for the defendants' counsel to effectively prepare.

12 The parties also jointly request that the time between October 26, 2007 and December
13 14, 2007 be excluded under the Speedy Trial Clock to allow defendants' counsel to review the
14 discovery to be provided and effectively prepare taking into account the exercise of due
15 diligence. See 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties agree that the
16 "ends of justice served by the granting of such continuance outweigh the best

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interests of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A).

DATED: October 23, 2007,

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/
H. H. (SHASHI) KEWALRAMANI
Assistant United States Attorney
Attorney for the United States

/s/
SARA ZALKIN
Attorney for Michael Martin

/s/
MICHAEL MARTIN
Defendant

/s/
RANDOLPH DAAR
Attorney for Jessica Sanders

/s/
JESSICA SANDERS
Defendant

/s/
JEROME MATTHEWS
Attorney for Michael Anderson

/s/
MICHAEL ANDERSON
Defendant

/s/
LEWIS ROMERO
Attorney for Diallo McLinn

/s/
DIALLO MCLINN
Defendant

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	Case No. 07-70574 WDB
)	
Plaintiff,	)	[PROPOSED] ORDER GRANTING
	)	SECOND STIPULATION TO WAIVE
v.	)	TIME UNDER SPEEDY TRIAL CLOCK
	)	AND FOR PRELIMINARY HEARING
MICHAEL MARTIN, et al.,)	
	)	Date: October 26, 2007
Defendants.	)	Time: 10:00 a.m.
	)	Before the Honorable Wayne D. Brazil

[PROPOSED] ORDER

Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter filed a Second Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary Hearing seeking to waive and extend the time for the preliminary hearing and to exclude the time between October 26, 2007 through December 14, 2007 from the Speedy Trial Clock. The Stipulation was signed by counsel of record as well as the defendants such that the defendants knowingly and voluntarily waiving their rights to a preliminary hearing on October 26, 2007, and extending the preliminary hearing until December 14, 2007. The Stipulation also noted that the United States provided discovery to the defendants' attorneys and will be providing additional

1 discovery. This information will allow the defendants' attorneys to better evaluate the case and
2 assist in preparing a defense. Counsel also acknowledged that an exclusion of time under the
3 Speedy Trial Clock is appropriate to allow for the effective preparation of defense counsel taking
4 into account the exercise of due diligence. Good cause appearing therefor,

5 **IT IS HEREBY ORDERED** that the period of time between October 26, 2007 and
6 December 14, 2007 is excluded from the Speedy Trial Clock to allow counsel to effectively
7 prepare, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The
8 Court finds that the "ends of justice served by the granting of such continuance outweigh[s] the
9 best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).
10 Additionally, the Court finds that the defendants knowingly and voluntarily waived the period
11 between October 26, 2007 and December 14, 2007 , such that preliminary hearing is now
12 scheduled for December 14, 2007 at 10:00 a.m.

13 DATED:

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15 WAYNE D. BRAZIL
16 United States Magistrate Judge
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